

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1300**

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**Introduced by Assembly Member Fletcher**

February 27, 2009

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~~An act relating to fire protection.~~ *An act to add and repeal Chapter 3.1 (commencing with Section 4310) of Part 2 of Division 4 of the Public Resources Code, relating to fire protection.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1300, as amended, Fletcher. Fire protection: ~~local volunteers.~~ *vegetation management: pilot program.*

*Existing law creates the Department of Forestry and Fire Protection within the Natural Resources Agency, and the department is responsible for fire protection, fire prevention, maintenance, and enhancement of the state's forest, range, and brushland resources, contract fire protection, associated emergency services, and assistance in civil disasters and other nonfire emergencies.*

*This bill would require the department to establish and implement a vegetation management pilot program. The bill would require the department to choose up to 10 applicant communities based upon specified criteria and provide to those communities incentives for fire prevention vegetation management projects by paying \$20 per ton for bone dry vegetation removed from the pilot program communities during fire prevention projects. The bill would require the department to seek funding from specified sources, as available for fire prevention projects, and would limit the department's administrative costs for selecting projects and preparing a report that would be submitted to the Legislature to no more than 15% of the value of the projects selected.*

~~Existing law provides a method by which communities may petition and hold an election in order to create a local district for the purpose of providing fire protection services, rescue services, and emergency medical services, among others.~~

~~This bill would state the intent of the Legislature to enact legislation to provide financial support to local volunteer associations that work, in cooperation with public authorities, to make property less susceptible to fire.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Chapter 3.1 (commencing with Section 4310) is*  
2     *added to Part 2 of Division 4 of the Public Resources Code, to*  
3     *read:*

4  
5     *CHAPTER 3.1. VEGETATION MANAGEMENT PILOT PROGRAM*

6  
7     *4310. The goals of the vegetation management pilot program*  
8     *established pursuant to this chapter are as follows:*

9     *(a) To provide incentives for fire prevention in and around*  
10    *communities by making the material removed during vegetation*  
11    *management projects for fire prevention worth more to biomass*  
12    *facilities, thereby offsetting more of the cost of doing the work.*

13    *(b) To determine if a small incentive payment on the final*  
14    *disposition of the vegetation materials would statistically increase*  
15    *the amount of fire prevention vegetation management work done.*

16    *4311. (a) Notwithstanding any other law, the department shall*  
17    *establish a vegetation management pilot program to provide*  
18    *incentives for fire prevention vegetation management projects in*  
19    *selected communities by paying twenty dollars (\$20) per ton for*  
20    *bone dry vegetation removed from the pilot program communities*  
21    *during fire prevention projects and accepted by a biomass energy*  
22    *facility.*

23    *(b) The department shall take any action necessary, in its best*  
24    *discretion, to implement the pilot program.*

25    *(c) The community taking part in the pilot program shall work*  
26    *with a biomass energy facility to dispose of the vegetation materials*  
27    *collected, including transportation of the materials.*

1     (d) The department, in its best judgment when reviewing the  
2 applications and based upon the funding available for the term  
3 necessary to complete the projects in each community selected,  
4 shall choose up to 10 applying communities for inclusion in the  
5 pilot program. All of the following criteria shall be used in the  
6 selection process:

7     (1) The community, or region where the program is taking place,  
8 is within a \_\_\_\_-mile radius of a biomass energy facility.

9     (2) The community is a Firewise community, has a community  
10 wildfire protection plan approved by a public fire agency, or can  
11 otherwise show a concerted and dedicated effort towards wildfire  
12 prevention.

13     (3) The community has a written plan in place to reach full  
14 compliance with existing defensible space requirements.

15     (4) The community has made significant strides towards  
16 reaching compliance with existing defensible space requirements  
17 and has “buy-in” from the local firefighting agency.

18     (5) The community has significant wildland urban interface  
19 areas.

20     (6) The vegetation in the community poses a high hazard,  
21 including, but not limited to, chaparral or forested areas.

22     (7) The types of vegetation surrounding the community are  
23 appropriate for use as fuel in the biomass energy facility within  
24 \_\_\_\_ miles of the program area.

25     (8) The community has a local Fire Safe Council or other entity  
26 in place that is willing and able to organize the actual project  
27 work and manage the funding the comes through the pilot program.

28     (9) The department may also use other criteria it deems  
29 appropriate to choose between two otherwise similarly eligible  
30 communities after considering all of the requirements set forth in  
31 paragraphs (1) to (8), inclusive.

32     (10) The department shall consider choosing communities for  
33 the pilot program that are geographically widespread throughout  
34 the state, but only after considering all of the requirements set  
35 forth in paragraphs (1) to (9), inclusive.

36     4312. (a) The department shall seek funding for the pilot  
37 program from the following sources, to the extent the funds are  
38 available for fire prevention efforts:

39     (1) Fire Safe Council grants dedicated to fire prevention efforts.

1     (2) *Sierra Nevada Conservancy grants dedicated to fire*  
2     *prevention efforts.*

3     (3) *California Tahoe Conservancy grants dedicated to fire*  
4     *prevention efforts.*

5     (4) *Other state, federal, or private funds dedicated to fire*  
6     *prevention efforts.*

7     (b) *The pilot program projects shall not be funded through the*  
8     *General Fund.*

9     4313. *The department shall report to the Legislature, no later*  
10    *than six months after the completion of the final project of the*  
11    *program, regarding the effectiveness of the program and whether*  
12    *its goals were met.*

13    4314. (a) *The department's administrative costs for selecting*  
14    *projects and preparing the report required under Section 4313*  
15    *shall not exceed more than 15 percent of the value of the projects*  
16    *selected. The department may choose to waive its administrative*  
17    *costs in order to fund more fire prevention projects.*

18    (b) *For the purposes of this section, "value of the projects*  
19    *selected" means \_\_\_\_.*

20    4315. *This chapter shall remain in effect only until \_\_\_\_, and*  
21    *as of that date is repealed, unless a later enacted statute, that is*  
22    *enacted before \_\_\_\_, deletes or extends that date.*

23    ~~SECTION 1. It is the intent of the Legislature to enact~~  
24    ~~legislation to provide financial support to local volunteer~~  
25    ~~associations that work, in cooperation with public authorities that~~  
26    ~~provide fire protection services, to make property less susceptible~~  
27    ~~to fire.~~